

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOSEPH MELGER,  
Plaintiff,  
v.  
U.S. CONGRESS, et al.,  
Defendants.

No. 2:23-cv-00512-DJC-EFB (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 25, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. The Court observes that this procedure is sufficient to constitute notice to the Plaintiff of the potential disqualification under 28 U.S.C. 1915(g) as required by *Andrews v. King*, 398 F.3d 1113, 1120. Plaintiff has not filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS

1 HEREBY ORDERED that:

- 2 1. The findings and recommendations filed May 25, 2023, are adopted in full;
- 3 2. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied;
- 4 and
- 5 3. Plaintiff shall pay the \$402 filing fee within fourteen days from the date of
- 6 this order and is warned that failure to do so will result in the dismissal of
- 7 this action.

8 IT IS SO ORDERED.

9 Dated: September 1, 2023

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11 Hon. Daniel J. Calabretta  
12 UNITED STATES DISTRICT JUDGE  
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